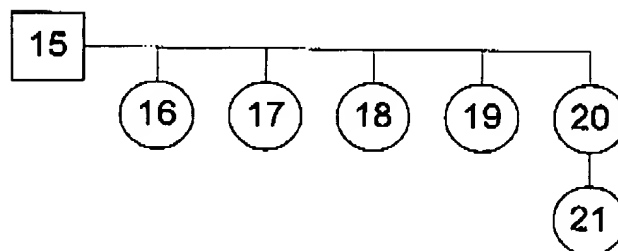
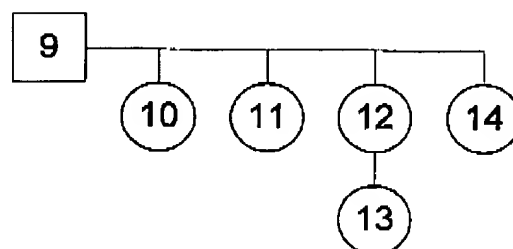
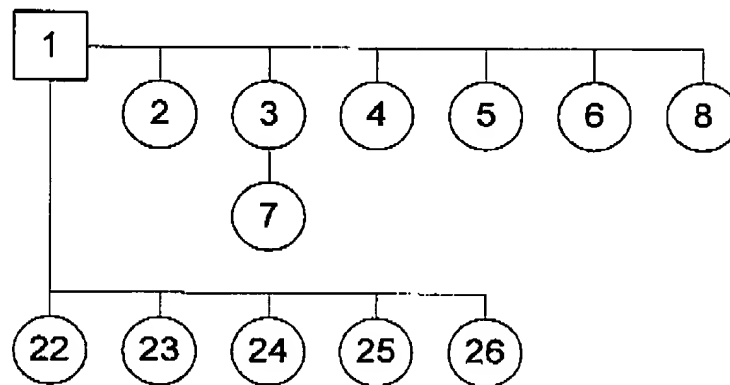


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REMARKS

Reconsideration of the application is respectfully requested. An Office action mailed December 2, 2004 is pending in the application. Applicants have carefully considered the Office action and the references of record. In the Office action, claims 1-21 were rejected under 35 U.S.C. § 102. In this response to the Office action, claims 1, 9 and 15 have been amended, and claims 22-26 have been added. Therefore, claims 1-26 are pending in the application. The following diagram depicts the relationship between the independent and dependent claims.



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Rejections Under 35 U.S.C. § 102 of the Independent Claims

Each of the independent claims 1, 9 and 15 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,925,109 to Christopher T. Bartz (hereinafter *Bartz*) and/or under § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0129341 by Gregory Hibdon (hereinafter *Hibdon*). However, the Manual of Patent Examining Procedure (M.P.E.P.) states that a claim is anticipated by a reference only if each and every element as set forth in the claim is found in the reference and, furthermore, that the identical invention must be shown in as complete detail as is contained in the claim.

A claim is anticipated **only** if **each and every** element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. ... The **identical** invention must be shown in **as complete detail as is contained in the ... claim**.

(M.P.E.P. § 2131, subsection titled "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM," emphasis added). Each of the independent claims 1, 9 and 15 as amended herein includes at least one feature that is not found in *Bartz* or *Hibdon*. For at least this reason, the rejections under 35 U.S.C. § 102 of each independent claim 1, 9 and 15 should be withdrawn.

For example, independent claim 1 as amended herein clarifies the nature of executable commands, and in particular, the nature of their execution, as well as the relationship of executable commands to the command line interface. Independent claim 1 requires that the executable commands be part of a command line interface and, furthermore, that, having replaced a macro with an executable command, execution of the executable command may occur without compilation.

Replacing the macro with an executable command **of the command line interface;**
and, executing the command **independent of compilation**.

(Independent claim 1, as amended, emphasis added).

In contrast, the macros of *Bartz* are conventional source code macros. Even if, for the purposes of applying *Bartz* to the claims, the source code replacing the macros of *Bartz* is construed as a command of the present application, the source code can not then be executed **independent of compilation** as required by the claims. Therefore, *Bartz*

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fails to teach each and every element of the claims in as complete detail as is contained in the claims.

Hibdon does not clearly state whether its commands are capable of executing independent of compilation. Regardless of how this ambiguity is resolved, however, *Hibdon* does make it clear that its commands are commands of a "hardware description language (HDL)" (*Hibdon*, paragraph 0001, section titled "FIELD OF THE INVENTION") whereas the claims require that the executable commands be part of the command line interface. As an example of a command line interface, the specification provides "the MICROSOFT Disk Operating System (MS-DOS) prompt." (Specification, page 1, lines 14-15). Whereas *Hibdon*'s examples of hardware description languages include "Verilog, VHDL," languages "used to design integrated circuits." (*Hibdon*, paragraph 0021). Command prompts and design languages are clearly in separate conceptual categories. Therefore, *Hibdon* also fails to teach each and every element of the claims in as complete detail as is contained in the claims.

Not only do *Bartz* and *Hibdon* fail to describe the claimed invention, neither *Bartz* nor *Hibdon*, alone or in combination with other prior art of record, fairly suggest all of the features of the independent claims 1, 9 and 15. Therefore, a rejection of the claims under 35 U.S.C. § 103(a) based on a combination of teachings including those in *Bartz* and/or *Hibdon* would be inappropriate for at least this reason.

Rejections Under 35 U.S.C. § 102 of the Dependent Claims

Although each of dependent claims 2-8, 10-14 and 16-21 was rejected under 35 U.S.C. § 102 as anticipated by *Bartz* and/or *Hibdon*, the particular part or parts of these complex references that were relied on for the rejections were not designated in the Office action, neither was the pertinence of the references explained with respect to these claims. In fact, the substance of the Office action consisted of little more than two verbatim copies of independent claim 15 each followed by a multi-page designation, one of *Bartz* the other of *Hibdon*. However, the Code of Federal Regulations (C.F.R.) states that when a reference is complex or shows or describes inventions other than that claimed by Applicants, the particular part relied on must be designated as nearly as practicable, and,

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in addition, that the pertinence of each reference must be clearly explained and each rejected claim specified.

In rejecting claims for want of novelty or for obviousness ... when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference ... must be clearly explained and each rejected claim specified.

(37 C.F.R. § 1.104(c)(2), emphasis added). In order for the Applicants to provide a meaningful response, they respectfully request that any repeating of a rejection of the dependent claims 2-8, 10-14 and 16-21 be brought into compliance with the requirements of 37 C.F.R. § 1.104(c)(2).


Newly Added Claims

Claims 22-26 have been added in this amendment to more particularly point out and distinctly claim the invention as described by the specification. In compliance with 37 C.F.R. § 1.121(f), they do not add new matter.

CONCLUSION

The application is considered in good and proper form for allowance, and the examiner is respectfully requested to pass this application to issue. If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



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